

SERVICE BY PUBLICATION

General Overview

- In a divorce proceeding, you must serve your spouse with a Summons and a copy of the Complaint for Dissolution of Marriage. If the sheriff cannot hand-deliver these papers to your spouse (“personally serve” your spouse), the law allows you to serve your spouse by using other methods (“alternate service”). But in order to use alternate service, you have to get the court’s permission. **You should be aware that if you use alternate service, the court may not be able to order your spouse to do some things. The court will be able to give you a divorce, but may not be able to do much more than that.**
- Before asking the court to allow you to use alternate service, you must make every reasonable effort to try to find out where your spouse is living or working, and you must also show that you have not been able to serve your spouse by sheriff. If these things are true, then you can ask the court to allow you to serve your spouse by alternate service.
- There are various methods of alternate service, but these instructions will only talk about one: service by publication. You can serve your spouse by publication, which means that you publish a notice of the divorce in a newspaper of general circulation in the county where you file the divorce.
- To ask the court to allow you to serve your spouse by publication, you must prepare three documents and take them to the court:
 - A Motion for Service by Publication. [\[link\]](#) Prepare the Motion using the Instructions for Filling out Motion for Service by Publication. [\[link\]](#)
 - An Affidavit in Support of Motion for Service by Publication. [\[link\]](#) Prepare the Affidavit using the Instructions for Filling out Affidavit in Support of Motion for Service by Publication. [\[link\]](#)
 - An Order for Service by Publication. [\[link\]](#) Prepare the Order using the Instructions for Filling out Order for Service by Publication. [\[link\]](#)
- Take all of these papers to the Clerk of the District Court and ask how to have the motion put before the judge. Also ask the Clerk how to get a signed copy of the Order for yourself.

Service by Publication

- If the court allows you to serve notice on your spouse by publication, you must publish a Notice of Divorce Proceeding once a week for three straight weeks in a newspaper printed in the county where you file the divorce or in a newspaper of general circulation in the city where you file the divorce. Here is how to do that.

- Prepare the Notice of Divorce Proceeding [\[link\]](#) using the Instructions for Filling out Notice of Divorce Proceeding. [\[link\]](#)
- Contact the newspaper to tell it you want to publish the Notice of Divorce Proceeding and find out the cost for publication and how far ahead of time you must get the Notice of Divorce Proceeding to the newspaper for publication.
- Deliver the Notice of Divorce Proceeding to the newspaper and either pay the paper for the costs of publication or, if the court has allowed you to proceed In Forma Pauperis, ask the newspaper to send the bill to the Clerk of the District Court.
- Once the newspaper has published the Notice for three straight weeks, it will prepare an Affidavit signed by the publisher saying that the publication has been completed. **Make sure to get a copy of that Affidavit and file it with the Clerk of the District Court as soon as it is ready.**

Decree of Dissolution

If you serve your spouse by publication, you will need to use the Decree of Dissolution [No Children][Service by Publication] [\[link\]](#) and Instructions for Filling out Decree [No Children] [Service by Publication] [\[link\]](#) or the Decree of Dissolution [Children] [Service by Publication] and Instructions for Filling out Decree[Children] [Service by Publication] when preparing for your final hearing. Make sure to use one of these Decrees and not the Decree – Personal Service referred to in the initial filing instructions.

Instructions for your Divorce Hearing

If you serve your spouse by publication, you will need to use the Instructions for your Divorce Hearing – No Children – Service by Publication [\[link\]](#) or the Instructions for your Divorce Hearing – Children – Service by Publication [\[link\]](#) when preparing for your final hearing. Make sure to use one of these Instructions for your Divorce Hearing and not the Instructions for Your Divorce Hearing in the initial filing instructions.